

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

<b>EDWARD ALAN YEARTA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 2:17-cv-2117</b>
<b>vs.</b>	)	
	)	
	)	<b>JURY DEMAND</b>
<b>AMUSEMENTS OF AMERICA, INC.;</b>	)	
<b>DELTA FAIR, INC.; UNIVERSAL FAIRS,</b>	)	
<b>LLC; and BELLE CITY AMUSEMENTS, INC.,</b>	)	
	)	
<b>Defendants,</b>	)	
	)	
<b>AMUSEMENTS OF AMERICA, INC.,</b>	)	
	)	
<b>Crossclaim Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>BELLE CITY AMUSMENTS, INC.,</b>	)	
	)	
<b>Crossclaim Defendant.</b>	)	

**REPORT OF PARTIES' RULE 26(f) PLANNING MEETING**

**1. DISCOVERY CONFERENCE**

Pursuant to Rule 26(f)(1) of the Federal Rules of Civil Procedure, the parties conferred concerning discovery planning.

**2. INITIAL DISCLOSURES**

The parties agree that the exchange of Rule 26(a)(1) disclosures is appropriate in this case and have agreed that any parties that have not exchanged Initial Disclosures as of the Scheduling Conference shall do so by August 29, 2017.

**3. DISCOVERY PLAN**

(a) The parties agree that discovery is necessary on the issues of liability and damages.

(b) The Parties do not anticipate the need for discovery of electronically stored information as provided for in Local Rule 26.1(e). The Parties agree to preserve e-mails, computer files and electronic data with respect to the subject matter of this action and to produce any properly requested electronic data, assuming such data is not otherwise protected by work product or attorney-client privileges or otherwise objectionable. If any such issues arise, the Parties will attempt to resolve such disputes before seeking Court intervention and agree to abide by the electronic discovery provisions as expressed in the Court's Rule 16(b) Scheduling Order or Amended Order(s). The parties agree that the inadvertent production of privileged materials or material protected as trial preparation material does not waive the applicable protection.

(c) All discovery shall be completed by August 3, 2018.

(d) Each party shall be limited to 10 depositions, unless otherwise agreed to in writing by the parties or ordered by the court.

(e) Each deposition shall be limited to one (1) day and shall not exceed 7 hours per deponent.

(f) The plaintiff shall identify and disclose all expert witnesses and expert reports on or before May 4, 2018. The defendants shall identify and disclose all expert witnesses and reports on or before June 4, 2018.

(g) The parties shall supplement their disclosures under Rule 26(e) on or before June 14, 2018.

4. **OTHER ITEMS:**

(a) The parties request a pretrial conference on October 8, 2018 at 9:00 a.m.

- (b) The plaintiff shall join parties on or before December 22, 2017. The defendants shall join parties on or before December 22, 2017.
- (c) The parties shall file dispositive motions on or before August 10, 2018.
- (d) The prospects for settlement are fair. The parties will submit to ADR pursuant to this district's ADR Program, LR 16.1 and Fed. R. Civ. P. 16. The parties reserve the right to seek additional ADR through mediation, to the extent they agree, after the completion of discovery.
- (e) The plaintiff shall submit Rule 26(a)(3) witness lists, designations of witnesses whose testimony is to be presented by deposition, and exhibit lists on or before August 17, 2018. The defendants shall submit the same on or before September 7, 2018.
- (f) The parties shall have 14 days after service of final lists, designations, and exhibits under Rule 26(a)(3) to file objections.
- (g) The parties suggest a trial date of November 12, 2018.

Respectfully submitted,

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